

(E-Filed: November 28, 2006)

<sup>2</sup>The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

SR at 2-3. The status report states that petitioner has failed to respond to counsel's telephone messages or correspondence sent by certified mail. Id. at 3-4. On August 9, 2006, petitioner's counsel received a certified mail receipt confirming that petitioner had received his counsel's letter advising that his case "was in danger of being dismissed due to lack of prosecution." Id. at 3-4. To date, petitioner has not responded to his counsel's messages or correspondence. Id. at 4.

On October 6, 2006, having failed to receive any response from petitioner, the court issued an Show Cause Order (Order), directing Mr. Diconza to contact his attorney on or before November 6, 2006, to "show cause why his case should not be dismissed for failure to prosecute" Order at 1.

To date, Mr. Diconza has not been in contact with his attorney and thus, has not complied with the October 6, 2006 Order of the court. Accordingly, this petition is **DISMISSED** for failure to prosecute. The Clerk of the Court shall **ENTER JUDGMENT** accordingly.<sup>3</sup>

**IT IS SO ORDERED.**

s/Patricia E. Campbell-Smith  
Patricia E. Campbell-Smith  
Special Master

---

<sup>3</sup>Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.